

Oct 11, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL JOSEPH ANDREW,

Defendant.

NO: 2:18-CR-00181-RHW

ORDER GRANTING MOTION FOR
DISCOVERY PROTECTIVE ORDER

Before the Court is the Government's Motion for Discovery Protective Order, ECF No. 16, and the Government's Motion to Expedite its Motion for Discovery Protective Order, ECF No. 17. The Government requests a protective order in this case restricting the use and dissemination of discovery materials that contain sensitive personal information of real persons pursuant to Federal Rule of Criminal Procedure Rule 16(d)(1). ECF No. 16. These Motions were heard without oral argument and on an expedited basis.

The Government states that the discovery materials contain medical records complete with medical history of an alleged victim in this case and because some of the information may be relevant to the defense, the Government cannot redact the information prior to production as redaction would impede defense counsel's ability to conduct its own investigation. *Id.* The Government further states that

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1 Defendant's counsel has been contacted regarding this Motion and has no
2 objection. *Id.*

3 Having reviewed the Government's Motion and proposed protective order,
4 and noting that there is no objection by the Defendant, the Court finds good cause
5 to grant the request and enters the following order regarding the disclosure of
6 discovery and sensitive information to Defense counsel.

7 Accordingly, **IT IS HEREBY ORDERED:**

- 8 1. The Government's Motion for Discovery Protective Order, **ECF No. 16**, is
9 **GRANTED.**
- 10 2. The Government's Motion to Expedite its Motion for Discovery Protective
11 Order, **ECF No. 17**, is **GRANTED.**
- 12 3. The United States is authorized to disclose discovery in its possession and
13 any Protected Information contained therein. As used herein, "Protected
14 Information" means sensitive personal, medical, and financial information
15 including for example, social security numbers, driver's license and
16 identification information, dates of birth, birth places, addresses, phone
17 numbers, e-mail addresses, personal photographs, and medical history and
18 findings.
- 19 4. Counsel for Defendant ("Defense Counsel") shall not share or provide any
20 discovery items produced by the United States in this case with anyone other
21 than designated Defense Counsel, defense investigators, retained expert
22 witnesses, and support staff. Defense Counsel may permit his or her
23 respective Defendant to view un-redacted discovery items in the presence of
24 Defense Counsel, defense investigators, and support staff. Defense Counsel
25 personally, or through Defense Counsel's investigators and support staff,
26 may show un-redacted discovery items to witnesses in regard to items or
27 events about which a witness may have personal knowledge. Defense

28 Counsel and his or his or her investigators and support staff shall not allow
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1 his or her respective defendant or witnesses to copy Protected Information
2 contained in the discovery.

- 3 5. The discovery and information therein may be used only in connection with
4 the litigation of this case and for no other purpose. The discovery is now and
5 will forever remain the property of the United States. At the conclusion of
6 the case, Defense Counsel will return the discovery to the United States or
7 will certify that it has been shredded. If the assigned Defense Counsel is
8 relieved or substituted from the case, Defense Counsel will return the
9 discovery to the United States or certify that it has been shredded.
- 10 6. Defense Counsel shall store the discovery in a secure place and will use
11 reasonable care to ensure that it is not disclosed to third persons contrary to
12 the Protective Order.
- 13 7. Defense Counsel shall be responsible for advising his or her respective
14 Defendant, employees, witnesses, and other members of the defense team of
15 the contents of this Protective Order.
- 16 8. This Protective Order shall also apply to any new Defense Counsel that may
17 later become counsel of record in this case.

18 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
19 Order and forward copies to counsel.

20 **DATED** this 11th day of October, 2018.

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22 *s/Robert H. Whaley*
23 ROBERT H. WHALEY
24 Senior United States District Judge
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